

The applicant is reminded that all underlining and bracketing in the reissue application should be made relative to the text of the patent. Thus, all amendments in the reissue application must be made relative to (i.e., vis- à-vis) the patent specification in effect as of the date of the filing of the reissue application. The patent specification includes the claims and drawings. See 37 CFR 1.173(g). Therefore, claims such as claim 5 are improperly marked up since the applicant is deleting words, e.g., "said portion of the framework (22b) including", which were added in a previous amendment.

However, due to this case's history and to further the prosecution of the case, the applicant's response of November 8, 2010 has been entered and responded to below.

***Election/Restrictions***

Applicant's election with traverse of Group I in the reply filed on July 30, 2007 is acknowledged. The traversal is on the ground(s) that there would be no serious burden on the examiner to examine all of the claims currently in the application. In light of the prosecution history of the application, the restriction requirement has been withdrawn at this time.

***Drawings***

The drawing correction filed October 6, 2008 has been approved. The drawings filed November 8, 2010 are objected to because it appears that the framework 22b should not be shown in figure 3 with solid lines. It appears that all of the framework 22b, including the divider rods and side rods 37, is below the panel 30. Therefore, if the

framework 22b is to be shown in figure 3, it should be shown with hidden lines. Additionally, it is unclear how the fasteners 15 actually fasten to the panels 10e and 10f. Note that the holes 11 in the panels 10e and 10f are larger than the diameter of the fasteners 15 and no nuts are shown at the ends of the fasteners.

Figure 5 is objected to because the framework 22b is not shown properly since it appears that none of the framework 22b extends above the panel 30. It should be pointed out that the actual view from the rear of the shelf would include, *inter alia*, the end support rod 27d, the horizontal bar above 27d, and the ends of the divider rods and side rods 37.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

The amendments filed March 1, 2004, October 6, 2008, and August 18, 2009 are objected to under 35 U.S.C. 132(a) because they introduce new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is:

1) the spacing between the rear edge of the shelf and the rear of the frame work 26 as shown in figure 6.

The amendment filed August 18, 2009 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Recitations such as “a spacing defined between the upper ends of the second pair of support legs and the rearward portion of the support assembly sized so as to allow the plurality of beverage containers to be inserted between the rearward area of the shelf and the rearward portion of the support assembly” on lines 17-19 of claim 20, lines 14-17 of claim 30, lines 1-5 of claim 33. US Patent No. 6,044,983 discloses at least two different shelf embodiments, a shelf for resting on another shelf and a shelf for hanging from another shelf. The loading of the shelf from the rear only applies to the

shelf embodiment which rests on another shelf. No where in the specification does 6,044,983 set forth that a shelf hanging from another shelf can be loaded from the rear. When the shelf of 6,044,983 is hung from another shelf, the shelf could be easily loaded from the front. It appears that the applicant is picking and choosing the features of two separate embodiments to create a new invention not supported by the disclosure of 6,044,983.

Additionally, recitations such as "wherein the first and second pairs of support legs are sized such that beverage containers can fit between the beverage support surface and the second crossmember and such that the forward portion hangs lower than the rearward portion when the rack is hanging, by the first and second cross members, from said shelf above the rack" on lines 22-25 of claim 20 and lines 20-21 of claim 30. Although the specification provides for the support legs having different lengths (see column 3, lines 2-6 and column 4, lines 39-45), it does not provide support for the legs having different lengths when the rack is mounted to the underside of a shelf. It should be noted that the recitation referring to the various bars and rods in column 4, lines 26-29, is referring to the shape and style of the bars and does not refer to the forward portion hanging lower and the rearward portion when the rack is hanging from a shelf. It appears that the applicant is picking and choosing the features of two separate embodiments to create a new invention not supported by the disclosure of 6,044,983.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Objections***

Claim 23 is objected to because it depends from canceled claim 22. Appropriate correction is required.

***35 U.S.C. 251 Rejection***

Claims 1-16, 20, 23, 24, 26-35, 56, 57 and 59-61 are rejected under 35 U.S.C. 251 as lacking basis for reissue. A review of the fee history for original U.S. Patent No. 6,044,983 reveals that the maintenance fee due on April 4, 2011 has not been paid and the patent has, therefore, expired. By statute, a reissue application can only be granted for the unexpired portion of the term of the original patent. If the patent term has expired due to nonpayment of maintenance fees, no reissue can be issued. See *In re Morgan*, 990 F.2d 1230, 26 USPQ2d 1392 (Fed. Cir. 1983), which holds that reissue applications can only be issued for unexpired patents.

***Claim Rejections - 35 USC § 112***

Claims 14-16, 20, 23, 24, 26-29, 33, 34, 56, 57, 59-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "the self structure" on lines 2 and 4-5 of claim 14 render the claims indefinite because it is unclear if the applicant is referring to the shelf structure set forth on line 1 of claim 14 or to the shelf structure set forth on lines 1-2 of claim 14. Recitations such as "a shelf" on line 25 of claim 20 render the claims indefinite because

it is unclear whether or not the applicant is referring to the shelf set forth above. Recitations such as “a cylindrical beverage container” on lines 3-4 of claim 33 render the claims indefinite because it is unclear whether or not the applicant is referring to the beverage container set forth above. Recitations such as “the projection including with a stop” on line 10 is grammatically awkward and confusing. Recitations such as “fasteners” on line 14 of claim 57 render the claims indefinite because it is unclear whether or not the applicant is referring to the fasteners set forth above. Recitations such as “a shelf” on line 26 of claim 57 render the claims indefinite because it is unclear whether or not the applicant is referring to the structure set forth above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 56 is rejected under 35 U.S.C. 102(b) as being anticipated by Dickson (US 3007580). Dickson discloses a shelf structure configured to rest on and engage a shelf, the shelf structure comprising:

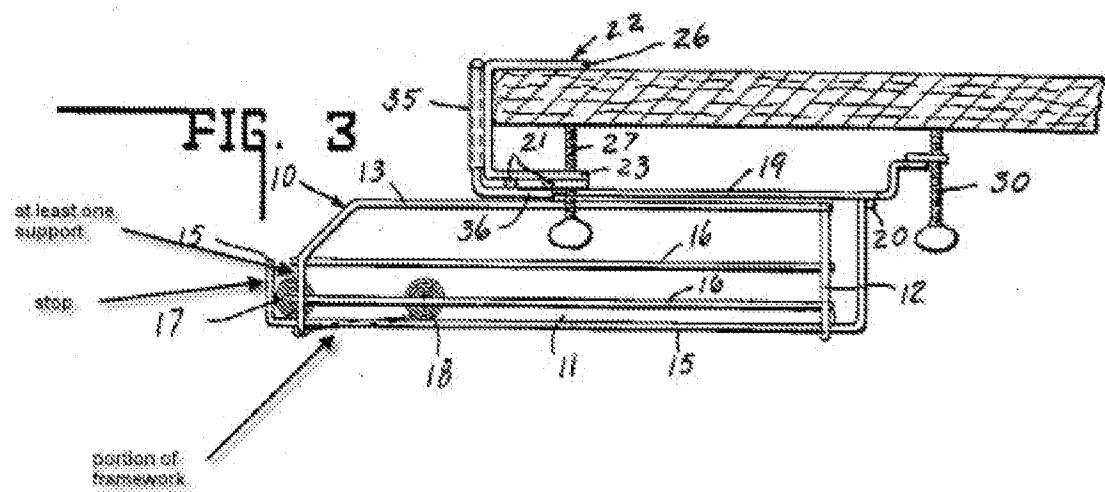
a front member 21 and at least two other members 21, 20 rearwardly spaced from the front member and, together with the front member, defining a first plane above the shelf and configured to support additional shelving above the first plane;

a framework 15 defining a second plane disposed below the first plane and configured to support a plurality of beverage containers between the first and second planes;

and at least one support (labeled below) connecting at least the front member and the framework;

wherein at least a portion of the framework (labeled below) extends at least forward of a projection of the front member 21, the projection including with a stop (labeled below) extending in a direction from the second plane toward the first plane; and

members 23 on the front and at least one of the other members configured to fix the framework under another structure.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in the preamble of Jepson claim 1 in view of Hickman (US 5123545) and Olson et al. (US 4426008). The preamble of Jepson claim 1 discloses one of a cooler, visi-cooler, walk-in cooler and glass-door cooler having fixed or adjustable shelves. The preamble of Jepson claim 1 is silent concerning a shelf structure.

However, Hickman, as shown in figure 4, discloses a shelf structure 60 configured to rest on and engage one of the shelves which is horizontal or inclined, the shelf structure comprising:

a framework 66, 92 (see figures 4 and 6) defining a second plane;  
a front rod member 42 (see figure 1), at least one other rod member 42 rearwardly spaced from the front rod member, the front rod member, the at least one other rod member defining a first plane and being configured to support additional shelving above the first plane; and

at least one support 86 connecting at least the front rod member 42 and the framework, wherein at least a portion 68 of the framework extends at least forward of the front rod member 42 and a stop 94 on the portion of the frame work that extends at

least forward of the front rod member extending in a direction from the second plane toward the first plane;

at least one member 64 connecting the front and other rod members (claim 2);

wherein the at least one support comprises legs extending from opposite ends of the front and other rod members (claims 3, 4);

wherein the framework comprises further rod members 92 each having a first end and a second end and extending from the first end at the stop to the second end that is rearward of a rearward most one of the at least one other rod member 42 (claims 5, 6, 7 and 8).

Additionally, Olson et al. discloses a shelf structure comprising first and second panel members 26 extending along at least a majority of rod members 20 to which they are mounted, the first and second panel members also being configured to support the shelf structure from a fixed or adjustable shelf with the shelf structure disposed below said fixed or adjustable shelf.

It would have been obvious to one of ordinary skill in the art to provide the admitted prior art in the preamble of Jepson claim 1 with a shelf structure, as taught by Hickman, having panel members, as taught by Olson et al., to more easily dispense items from the shelves of the cooler and to more securely mount the shelf structures to one another when stacked, respectively.

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in the preamble of Jepson claim 1 in view of Hickman and Olson et al.

as applied to claims 1-8 above, and further in view of Lockwood (US 4732282).

Lockwood discloses a shelf structure comprising a front panel 12 at a front side of a stop.

It would have been obvious to one of ordinary skill in the art to provide the admitted prior art in the preamble of Jepson claim 1, as modified above, with a front panel, as taught by Lockwood, to indicate which items are available for dispensing from the shelf structure.

Claims 20, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. (US 2600096) in view of Lockwood (US 4732282). Cooper et al. discloses a rack A hanging from a shelf C comprising:

a support assembly having a forward portion, a rearward portion and a beverage container support surface 12, 13 extending from the forward portion to the rearward portion and configured to support a plurality of beverage containers, the forward portion and the rearward portion spaced along a longitudinal direction of the beverage container support surface;

a first pair of support legs 19, 20 having upper ends and lower ends, the lower ends connected to the forward portion at first and second lateral sides of the beverage support surface, the first and second sides of the beverage support surface being spaced along a lateral direction which extends transverse to the longitudinal direction, a first cross member 21 connecting the upper ends of the first pair of support legs, the first pair of support legs and the first cross member lying in a first plane; and

a second pair of support legs 19, 20 having lower ends connected to the rearward portion at the first and second lateral sides of the beverage support surface, a second crossmember 21 connecting upper ends of the second pair of support legs, the second pair of support legs and the second cross member lying in a second plane; a spacing defined between the upper ends of the second pair of support legs and the rearward portion of the support assembly sized so as to allow the beverage containers to be inserted into the rearward portion of the support assembly;

wherein the first and second pairs of support legs are sized such that beverage containers can fit between the beverage support surface and the second crossmember. Cooper et al. is silent concerning the forward portion being lower than the rearward portion and a stop.

However, Lockwood discloses a rack having a stop (not numbered, but comprising the wire that supports the panel 12) disposed at a forward portion of a support assembly; the stop including a panel 12 configured to support a label, wherein the forward portion is lower than a rearward portion.

It would have been obvious to one of ordinary skill in the art to provide Cooper et al. with a stop and orientation, as taught by Lockwood, so that beverage containers can be automatically provided at the front of the rack and to identify the contents of the rack.

It should be noted that the orientation, as taught by Lockwood, can be easily obtained by simply hanging the rack of Cooper et al. from an inclined shelf.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. in view of Lockwood as applied to claims 20, 23 and 26 above, and further in view of Dickson (US 3007580). Dickson discloses first 22 and second 22 panel members connected to first 21 and second 21 cross members and threaded fasteners 27 connecting the first and second panel members to a shelf.

It would have been obvious to one of ordinary skill in the art to provide Cooper et al., as modified above, with panel members, as taught by Dickson, provide a more secure attachment between the rack and the shelf.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. in view of Lockwood as applied to claims 20, 23 and 26 above. Cooper et al., as modified above, is silent concerning the specific size of the support legs.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the support legs with a size such that the rack can only receive said beverage containers having at least one dimension less than about 2.5 inches.

Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper et al. in view of Lockwood as applied to claims 20, 23 and 26 above, and further in view of Dickson (US 3007580). Dickson discloses a rack having a support

assembly configured to support a plurality of parallel files of beverage containers extending between a rearward portion and a forward portion wherein the support assembly comprises a wire frame.

It would have been obvious to one of ordinary skill in the art to provide Cooper et al., as modified above, with a plurality of parallel files and a wire construction, as taught by Dickson, to enable the rack to hold more containers and to reduce the amount a material required to manufacture the rack.

Claims 57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickson (US 3007580) in view of Lockwood (US 4732282). Dickson discloses a shelf fastened under a structure 32 by fasteners 27, the shelf comprising:

a support assembly having a forward portion (labeled below) and a rearward portion (labeled below), the support assembly defining a support surface (not numbered, but shown in figure 3) configured to support a plurality of cylindrical beverage containers;

a stop (labeled below) disposed at the forward portion of the support assembly; first and second support portions (labeled below) disposed at the forward portion of the support assembly, the first and second support portions including upper ends, respectively, adapted to be disposed above the plurality of cylindrical beverage containers supported on the support surface;

at least first and second apertures (not numbered, but comprising the apertures for the fasteners 27) disposed adjacent the upper ends of the first and second support

portions, respectively, the first and second apertures being configured to receive fasteners 27 for supporting the forward portion of the support assembly from a structure 32 above the support assembly, the first and second apertures being spaced rearwardly from the stop;

third and fourth support portions (labeled below) disposed at the rearward portion of the support assembly, the third and fourth support portions including upper ends, respectively;

at least a third aperture (not numbered, but shown as the aperture for the fastener 30 in figure 3) disposed adjacent the upper ends of the third and fourth support portions, respectively, the third aperture being configured to receive a fastener 30 for supporting the rearward portion of the support assembly from a shelf above the support assembly; and

wherein the third aperture is spaced from a rearward most portion 20 of the rearward portion of the support assembly such that cylindrical beverage containers can be placed onto the rearward portion of the support assembly when the third aperture is connected to a shelf disposed above the support assembly by fasteners;

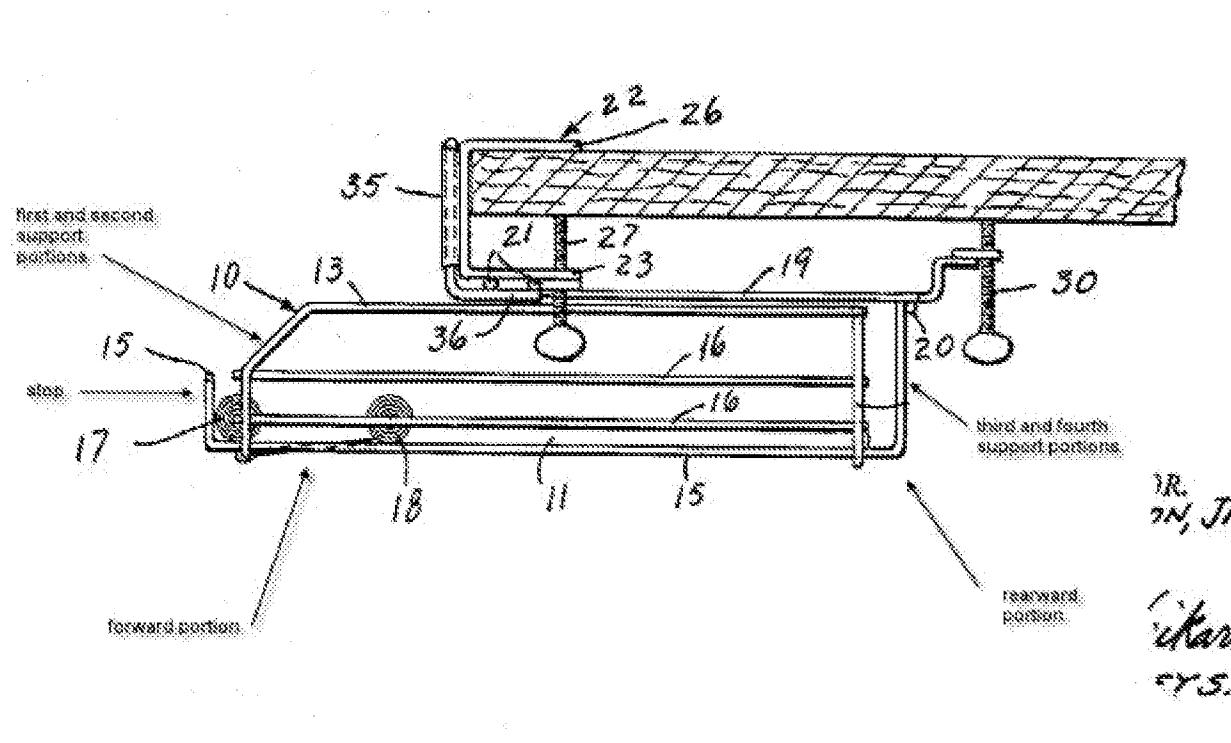
a horizontally extending plate 35 (claim 61) having apertures in the plate which receive the wire 36. Dickson is silent concerning a panel and a fourth aperture.

However, Lockwood discloses a shelf structure comprising a front panel 12 at a front side of a stop.

It would have been obvious to one of ordinary skill in the art to provide Dickson with a front panel, as taught by Lockwood, to indicate the price of the item being dispensed from the shelf structure.

Finally, it would have been obvious to one of ordinary skill in the art to provide Dickson with a fourth aperture and fastener since it has been held that the mere duplication of the essential working parts of a device involves only routine skill in the art.

*St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.



Claims 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickson in view of Lockwood as applied to claims 57 and 59 above, and further in view of Olson et al. Olson et al. discloses a shelf comprising a horizontally extending

plate 26 connecting two support portions 20, wherein two apertures 27 are formed in the plate 26 for receiving threaded fasteners.

It would have been obvious to one of ordinary skill in the art to provide Dickson, as modified above, with plates having the first and second and third and fourth apertures formed therein, as taught by Olson et al., to increase the strength and stability of the shelf.

### ***Allowable Subject Matter***

Claims 14-16, 33 and 34 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and 35 USC 251, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach first and second plate members for fixing the framework under additional shelving wherein the plate members extend from the first lateral side to the second lateral side of the shelf structure. See lines 16-21 of claim 14. Additionally, the prior art of record fails to teach the first and second cross members hanging from the shelf and a spacing defined between the upper ends of the second pair of support legs and the rearward portion of the support assembly sized so as to allow beverage containers to be inserted between the rearward area of the shelf and the rearward portion of the support assembly and the first and second pairs of support legs are sized

such that the support assembly is inclined relative to the shelf when the rack is hanging from the horizontal shelf. See lines 12-17 and 20-21 of claim 30.

***Response to Arguments***

Applicant's arguments filed November 11, 2010 have been fully considered but they are not persuasive.

With respect to the applicant's comments concerning figures 3 and 5, it should be noted that there are a plurality of lateral side rods 37. Therefore, if any of the side rods are to be shown, all of the side rods should be shown.

With respect to the applicant's comments concerning the holes in figure 3, it is unclear how the current illustration of the holes shows the invention more accurately than the previous version of figure 3. Note that in both the current version of figure 3 and the previous version of figure 3, the holes 11 are significantly larger than the fasteners 15 making a threaded connection between the panels 10e and 10f appear to be impossible.

With respect to the applicant's comments concerning the new matter objection of figure 3, the issue created by the attachment of the fasteners to the panels has been left as a drawing objection in light of the applicant's comment that "no threads at all are shown in any of the drawings." However, if no threaded holes or nuts are disclosed then the invention is inoperative with respect to the hanging embodiment.

With respect to the applicant's comment concerning the new matter objection of figure 6, the examiner respectfully disagrees. The specification of 6,044,983 fails to set

forth the spacing between the back edge of the shelf S and the rear of the shelf 16. The specification of 6,044,983 discloses that cans can be inserted from the rear of the shelf 16, but does not disclose that the cans can be inserted from the rear of the shelf 16 when the shelf 16 is hanging. Column 2, line 59 and column 4, line 61 are referring to two separate embodiments of the invention and do not support the combination of the hanging shelf and the rear insertion of the cans. The invention can be shown in figure 6 without creating new matter by simply showing the back edge of the shelf S extending over the rear of the shelf 16.

With respect to the applicant's comments concerning the new matter objection of claims 20, 20 and 33, the examiner respectfully disagrees. Lines 57-60 of column 2 are setting forth that the hanging embodiment is equivalent to the support legs supporting the shelf at 16 above another structure as set forth on lines 54-55 of column 2. Lines 57-60 of column 2 do not support hanging the shelf 16 and inserting the cans from the rear of the shelf 16. Lines 33-35 of column 4, as best understood by the examiner, set forth that each element of an embodiment of the invention can be replaced with an equivalent element as known by one with ordinary skill in the art. It appears that this language contemplates the future replacement of one element of one embodiment of the invention with another equivalent element rather than combining different current elements from different embodiments into a new embodiment. Loading the shelf 16 when it is hanging from a shelf S is not replacing one equivalent element with another.

With respect to the applicant's comments concerning the new matter objection of claims 20 and 30, the examiner respectfully disagrees. If the applicant wishes to claim

the combination of the hanging shelf and the support legs having differing lengths, the applicant should point out where in the specification one embodiment of the invention is disclosed that sets forth both features. As noted above, lines 57-60 of column 2 are setting forth that the hanging embodiment is equivalent to the support legs supporting the shelf at 16 above another structure as set forth on lines 54-55 of column 2.

Additionally, lines 33-35 of column 4, as best understood by the examiner, set forth that each element of an embodiment of the invention can be replaced with an equivalent element as known by one with ordinary skill in the art. It appears that this language contemplates the future replacement of one element of one embodiment of the invention with another equivalent element rather than combining different current elements from different embodiments into a new embodiment. Hanging the shelf 16 from a shelf S is not replacing one equivalent element with another.

The applicant's comments concerning Lockwood used as a 102(b) reference are moot in view of the new grounds of rejection.

With respect to the applicant's comments concerning the rejection of claims 1-8, the examiner respectfully disagrees. The examiner is not contending that the support plates 26 of Olson correspond to the first and second panel members. Olson simply teaches the use of the panel members 26 for attaching one wire rack to another wire rack. One of ordinary skill in the art would be motivated to provide the wire rods 42, 44 of Hickman with the plates 26 of Olson et al. so that the wire racks can be more securely attached to one another. The applicant's comments concerning the panel members being configured to support additional shelving and to support the shelf from

below another shelf are not persuasive. The language "configure to" is very broad and as long as Hickman or Olson et al. teach that it is possible to modify the structures disclosed by Hickman or Olson et al. so as to perform the intended function, then Hickman or Olson et al. disclosed the claimed invention. The panels 26 of Olson et al. are disclosed as supporting additional shelving on lines 35-38 of column 3. Since the holes 27 in the panels 26 are clearly capable of receiving fasteners from above, the panels and storage unit 8 can be supported by the panels 26 from a shelf disposed above. Additionally, the wire rods 42, 44 of Hickman are configured for receiving hooks so that the shelf 10 can be hung from underneath a wire shelf. The applicant's comments concerning the intended use of the rack of Hickman are not persuasive. The shelf 10 of Hickman is not limited to dispensing computer tape cassettes. See column 1, line 64. Even if the shelf 10 of Hickman were limited to computer tape cassettes, the placement of the shelf 10 with computer tapes in a cooler would not destroy the teachings of Hickman. The evaporators in the refrigeration units inherently reduce the amount of moisture in the air such that the interior of the cooler is not humid and one can control the temperature in the cooler by simply not opening and closing the door frequently.

The applicant's comments concerning the rejection of claim 56 in view of Dickson are not persuasive. Claim 56 recites "[a] shelf structure configured to rest on and engage a shelf". Therefore, the shelf 10 of Dickson only needs to be capable of resting on and engaging a shelf. Clearly the shelf 10 of Dickson is capable of being placed on a shelf and, when in resting on a shelf, the first plane defined by the front member and

the two other members would be above the shelf. Additionally, the shelf 10 of Dickson is capable of supporting additional shelving above the first plane.

With respect to the applicant's comments concerning claim 57, the examiner respectfully disagrees. Claim 57 has been amended to recite that the shelf is fastened under a structure by fasteners. As shown in figure 3 of Dickson, the fasteners 27 and 30 are used to fasten the shelf 10 under the shelf 32. The other recitations regarding the fasteners in claim 57 are merely intended use recitations. Therefore, the apertures that receive the fasteners 27, 30 are capable of receiving fasteners for supporting the assembly from the structure above the assembly. The fasteners set forth on line 1 of claim 57 do not have to be the same fasteners as set forth on lines 14 and 21 of claim 57. Claim 57 does not recite that the fasteners are supporting the assembly. Rather line 1 of claim 57 only requires the fasteners to fasten the shelf under a structure. The applicant's comments concerning the placement of the cans on the rearward portion of the support assembly are not persuasive since the cans can be loaded from the front of the support assembly and then pushed back to the rearward portion of the support assembly thus loading the rearward portion of the support assembly when the shelf 10 is hanging.

*Conclusion*

**THIS ACTION IS NOT MADE FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory J. Strimbu/  
Primary Examiner, Art Unit 3634